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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 ROBERT W WILLIAMS,

11 Petitioner,

12 v.

13 WASHINGTON STATE,

14 Respondent.

CASE NO. C12-5538 BHS-JRC

ORDER TO AMEND THE CASE TO
NAME A PROPER RESPONDENT

15 Petitioner seeks habeas corpus relief from a state conviction and sentence. The District
16 Court referred the case to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b) (1)
17 (A) and (B) and Local Magistrate Judge Rules MJR 3 and MJR 4.

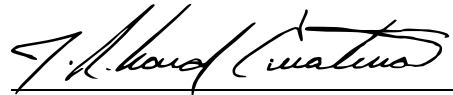
18 Petitioner names the State of Washington as respondent. The proper respondent is “the
19 person having custody of the person detained.” 28 U.S.C. § 2243. Petitioner needs to name a
20 natural person -- not a governmental entity. The proper respondent is the person having custody
21 of petitioner. 28 U.S.C. § 2242. This person is usually the superintendent of the facility in
22 which the petitioner is incarcerated. Petitioner’s failure to name the correct party deprives this
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1 Court of personal jurisdiction. See Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th
2 Cir. 1994).

3 The Court orders that petitioner file a motion to change the case caption and that he name
4 the proper respondent. The motion will be due on or before July 20, 2012. Failure to comply
5 with this order will result in a Report and Recommendation that this action be dismissed for
6 failure to comply with a court order and lack of in personam jurisdiction over a proper
7 respondent.

8 The Clerk is directed to mail a copy of this Order to petitioner and note the July 20, 2012,
9 deadline on the court's calendar.

10 Dated this 22nd day of June, 2012.

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12 J. Richard Creatura
13 United States Magistrate Judge
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